

Review of Gender Exclusivity in Student Life Programs and Policies

revision submitted:

March 19, 2010

ad hoc study group:

J.J. Boggs, Assistant Director of Campus Activities for Student Organizations
Center for Campus Activities and Leadership

Mary Hurlie, Associate Director for Alumni Career Services, Career Services

SECTION 1: INTRODUCTION: SCOPE AND PURPOSE OF REVIEW AND REPORT

In July 2009, Dean of Students Gus Jordan appointed a small *ad hoc* study group to conduct a review of the College's compliance with Title IX, specifically as it relates to issues of gender exclusivity in student life. This request was prompted, in part, by a written complaint submitted to Dean Jordan by a Middlebury employee. The employee's concern related to the appearance of gender exclusivity in some student events and workshops offered and advertised to students by the Health and Wellness Education Office, the Center for Campus Activities and Leadership, and various student organizations.

The charge to the *ad hoc* study group was to conduct a cursory review of our student life programs, policies, and activities - with respect to gender exclusivity, inclusivity, parity and equal access - and to offer observations and recommendations for further review in some areas, and actions in other areas. The scope of this report, therefore is limited to major student life areas; and the depth of the review is of a 'first level' examination. The purpose of the report is to provide a preliminary set of observations and recommendations that may point future in-depth reviews in a particular direction.

Discrimination on the basis of sex; including issues of parity, equal access, equal treatment and nondiscrimination; is explicitly addressed by Title IX. Middlebury's Nondiscrimination Statement states the College's policy and commitment to nondiscrimination on the basis of (among other identities) gender, and to compliance with state law on this.

Middlebury Nondiscrimination Statement [excerpt from College Handbook]

Middlebury College complies with applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities, on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.

Middlebury College hereby designates the dean of the College to coordinate its efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972 as amended. In general, Title IX prohibits discrimination in educational programs on the basis of sex.

Title IX of the Educations Amendments of 1972 [20 U.S.C. sections 1681-1688]

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

REVIEW PROCESS AND RESOURCES

- Reviewed complaint and attending documents
- Reviewed Title IX and Title VII statutes
- Met with complainant to discuss specifics of the complaint and related concerns

- Reviewed ‘Title IX Grievance Procedure: An Introductory Manual’ published by US Department of Education, Office for Civil Rights
- Reviewed College Handbook and policies
- Reviewed the constitutions and membership policies of student organizations
- Met with CCAL director for historical information about IVCF membership/election issue of several years ago
- Reviewed list from Events Scheduling Office of last year’s events and workshops to examine gender exclusivity of events or advertisement of events

SECTION 2: AREAS REVIEWED AND RESEARCHED

The following areas related to student life were examined:

Gender exclusivity, inclusivity, parity and equal access for all students with regard to college events, workshops, programs:

- I. Campus Events and Programs - access and advertisement
- II. Student Organizations - membership and leadership

NOTE: This study group focused on the area of student life, and did not undertake a review of Title IX compliance in the College’s athletics program or academic program.

I. Campus Events and Programs

Currently and recently, a number of events and workshops offered by various campus departments and student organizations are gender-exclusive, either in terms of participants allowed, or in language used to describe the event. A few examples from last year include:

- *Women, Self-Esteem, and Hooking Up*
Advertised as “a discussion for women” sponsored by Health and Wellness Center
- *Self Defense or RAD (Rape Aggression Defense)*
Advertised as “open to women only” and instructed by the Public Safety department as a Winter Term workshop
- *Belly Dancing for Beginners: Lucy Turull’s Method*
Advertised “for all women” as a Winter Term workshop
- *Womens Introduction to Ice Climbing*
Advertised as an “all woman’s group” sponsored by Middlebury Outdoor Programs
- *Knitting Just for “Guys Only”*
Advertised as a “Guys Night Out” and offered as a Winter Term workshop
- *Men’s Group*
Sponsored by the Center for Counseling and Human Relations

By the nature of their design and advertising, these events, activities or workshops were gender-exclusive, and there were no comparable opportunities offered to other genders. This raises questions about equal access to resources for all students.

II. Student Organizations

The College Handbook requires that “membership [in a student organization] must be open to all Middlebury College students” and that student organizations cannot discriminate “on the basis of race, color, ethnicity, national origin, religion, sex, sexual orientation, gender identity and expression, age, marital status, place of birth, service in the armed forces of the United States, or against qualified individuals with disabilities on the basis of disability.” While all student organizations are required to include the above statements in their constitutions, the language in some constitutions needs updating.

SECTION 3: RECOMMENDATIONS

Gender exclusivity, inclusivity, parity and equal access for all students with regard to college events, workshops, programs

I. **Campus Events and Programs**

1. As a matter of College policy and expectation, require that events, activities, workshops, and programs (including courses and winter term workshops) be available to the entire student body, without regard to gender— except where a legitimate reason for gender exclusivity is demonstrated by the event approver*.
2. In accordance with this policy, avoid the use of gender exclusive language when advertising events, activities and programs.
3. * Develop guidelines/policy for all student life staff, student organizations and event approvers to follow in determining whether an event is a legitimate exception to the overriding policy of gender inclusivity and equal access for all students.

Examples of type of event/program that would be a legitimate exception to the gender-inclusive policy:

- *R.A.D. (Rape Aggression Defense) for Women.* The case can be made that there are compelling reasons of privacy and emotional safety that would permit this program to be open to only women. However, the College should then also offer a R.A.D. program for men and or a ‘co-ed’ program in order to provide equal access to this type of training program.
- *Pornography: A Discussion for Men Only.* This 2009 workshop was offered as a candid discussion group for male students, led by a respected researcher/lecturer in the field (male) to explore “ how pornography specifically affects our sexual imaginations, and adversely impacts our treatment of women”. Dr. Jensen gave a campus-wide talk (open to all students, all genders) and, while on campus, also led this discussion group for men only. The case can be made that there are compelling reasons of privacy and emotional safety - as well as therapeutic value - that would permit this workshop to be open only to men.

RELATED NOTE about sensitivity to the inclusion of transgender students:

While these examples show the rationale for permitting gender-exclusivity in some cases, the programs should be not “for women” only or “for men” only ... but “for students who identify as women” or “for students who identify as men”. That is, the notion of gender should be extended beyond the traditional notion of binary gender

construct, to include transgender students whose self-identity gender is different than their biological sex.

4. Establish an authority or small committee (2-3 people) within the Dean of Students division that shall make the determination regarding legitimate exceptions to the policy of gender inclusivity, as cases/requests/complaints arise. In cases where it determines that a particular program/event can be legitimately gender-exclusive, this authority will also make recommendations for how to provide parity in comparable programming for the excluded genders. These recommendations are to be submitted to the Dean of Students for approval.
5. Conduct annual awareness training on Title IX compliance and nondiscrimination practices for student life department heads, event programmers, and student leaders - to include training on the gender-inclusive / equal access policy and guidelines for programs and events.
6. Request assistance from the Events Scheduling and Information Office in identifying any events listed on the campus events schedule – in which there appears to be gender exclusivity for participation, or gender-exclusive language in the event title or advertisement. This assistance would consist of notifying the appropriate offices when there appears to be a violation of this policy/practice. Appropriate office for student-sponsored events is CCAL; appropriate office for events sponsored by student life departments is Dean of Students.
7. Provide the Provost's Office with information on the gender inclusive / equal access policy so that guidance can be provided to faculty, if needed, regarding activities within the classroom.

II. Student Organizations

1. Recommendations # 1 through 4, outlined in 'Campus Events and Programs' (above) also apply to events, activities and programs sponsored by student organizations.
2. Revise and update the nondiscrimination statement required in all student organization constitutions so that it accurately directs students to the specific policies they must agree to uphold.
3. Require that all student organizations review/update their constitutions to ensure that the requisite nondiscrimination statement (Student Organization Policies) matches the College's Nondiscrimination Statement (College Handbook).
4. CCAL to work with all student organizations to review and update their constitutions with specific attention to nondiscrimination practices related to membership and leadership requirements.
5. CCAL to provide annual awareness training to leaders of student organizations re: the interpretation and application of nondiscrimination policies and Title IX; and its specific application to their organization's programming, advertising, membership, practices, etc. - including specific training on the gender-inclusive / equal access policy and guidelines.

III. Additional Recommendations

1. General Title IX awareness/compliance training for student life deans, directors
 - Develop training/discussion that outlines Title IX compliance re: the various programs and services offered by each department within the student life

division: CCAL, Residential Life, Health Center, Counseling & Human Relations, Career Services; Public Safety; ADA, Commons, Deaning.

- At the department level: ask each department to conduct a self-review process to assess their specific services and programs in terms of their compliance with the spirit and text of Title IX – especially with respect to gender exclusivity/inclusivity/parity issues in access and language. And require that departments then conduct subsequent self- reviews on a periodic basis.

2. Establish a Grievance Procedure whereby Title IX based complaints can be lodged

Currently, while the College's anti-harassment procedures describe how a community member should make a complaint of perceived discrimination on the basis of sex, the procedures do not explicitly contain a reference to Title IX. '*Title IX Grievance Procedures: An Introductory Manual*' published by the U.S. Department of Education, Office for Civil Rights – outlines several approaches to addressing the requirement for a Title IX grievance process. One option is to create a new grievance process and structure specifically for Title IX related grievances and complaints. Other options suggest using an existing formal grievance or appeals process/structure in the institution, and folding into that process explicit inclusion of Title IX complaints. We recommend that the College adopt this latter approach, and add explicit reference to Title IX to the internal grievance process(es) that currently exist for other discrimination complaints – in student life, academic program, or employment.

Respectfully submitted March 19, 2010:

J.J. Boggs, Assistant Director of Campus Activities for Student Organizations
Center for Campus Activities and Leadership

Mary Hurlie, Associate Director for Alumni Career Services
Career Services